

REMARKS

Applicant thanks the Examiner for the careful consideration given to this application. Reconsideration and allowance are now respectfully requested in view of the amendment above and the following remarks. Claims 47-49 and 51-92 are pending in this application. Claim 47 is the sole independent claim. Claims 47-49, 55-71, 74-89 and 89-92 are amended. Claims 1-46 and 50 were previously cancelled without prejudice or disclaimer.

Double Patenting Rejection

Claims 41, 48, 91 and 92 stand provisionally rejected on the ground of nonstatutory, obviousness-type double patenting as being unpatentable over claims 1, 2, 20 and 21 of co-pending App. No. **10/11981217** (SIC), which has at least one Applicant in common with the present application. Applicants respectfully request that this rejection be held in abeyance until all substantive rejections have been resolved.

Claim Rejections Under 35 U.S.C. §103

Claims 47-49, 57, 62-64, 70-75, 78 and 91-92 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,415,042 to Shin (hereinafter “Shin”) in view of U.S. Patent No. 6,735,699 to Sasaki et al. (hereinafter “Sasaki”). This rejection is respectfully traversed.

Applicants submit that the combination of Shin and Sasaki does not teach or suggest each of the elements of the pending claims. Independent claim 47, in part, recites “generating complementary information including modified information from the original stream, the complementary information also including functions for reconstructing the original stream with the modified information; and transmitting the modified stream and the complementary information to an addressee equipment for reconstruction of the original stream from the modified stream and the complementary information, wherein the reconstruction is adaptive and progressive as a function of information associated with a digital profile of the addressee equipment provided in the complementary information.” Shin does not teach or suggest these features.

In Shin, a digital image codec apparatus includes an encoding unit and a decoding unit. The encoding unit includes a first discrete wavelet transform portion, an original signature image storage portion, a second discrete wavelet transform portion, a coefficient replacement/combination portion, an inverse discrete wavelet transform portion and a compression portion. The decoding unit includes a decompression portion, a discrete wavelet transform portion, a coefficient separating portion, an inverse discrete wavelet transform portion, an original signature image storage portion and an ANOVA portion. See, for example Figure 2 and Col. 5, lines 1-15 of Shin.

There is no teaching or suggestion in Shin of complementary information. So Shin fails to teach or suggest “generating complementary information including modified information from the original stream, the complementary information also including functions for reconstructing the original stream with the modified information.” In addition, Shin fails to teach or suggest that the modified stream and the complementary information are transmitted to an addressee equipment “for reconstruction of the original stream from the modified stream and the complementary information, wherein the reconstruction is adaptive and progressive as a function of information associated with a digital profile of the addressee equipment provided in the complementary information.”

Sasaki fails to cure the deficiencies of Shin. Sasaki teaches that a use license is issued on the basis of a permission application for using a digital work and the license is embedded into the digital work. The license has an identification code of a device used by a user. See at least the Abstract of Sasaki.

Sasaki also fails to teach or suggest the complementary information, as recited in the pending claims. In particular, Sasaki fails to teach or suggest “complementary information including modified information from the original stream” and also including “functions for reconstructing the original stream with the modified information.” Sasaki also fails to teach or suggest reconstruction of the original stream from the modified stream and the complementary information,” as recited in the pending claims. Although the license disclosed in Sasaki is specific to the user device, the license of Sasaki is not equivalent to the complementary information because the license of Sasaki does not include “modified information from the original stream and functions for reconstructing the original stream with the modified

information.” Because Sasaki fails to teach or suggest the complementary information, Sasaki cannot be found to teach or suggest adaptive and progressive “reconstruction as a function of information associated with a digital profile of the addressee equipment provided in the complementary information.”

Therefore, the combination of Shin and Sasaki does not teach or suggest the combination of elements recited in claim 47. Each of claims 48-49, 57, 62-64, 70-75, 78 and 91-92 depend on claim 47 and incorporate all of the elements of claim 47, in addition to the further elements recited in claims 48-49, 57, 62-64, 70-75, 78 and 91-92. Therefore, Applicants respectfully request that this rejection of claims 47-49, 57, 62-64, 70-75, 78 and 91-92 under 35 U.S.C. §103 be withdrawn.

Claims 51-54, 58-61 and 76-77 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Shin in view of Sasaki, and in further view of U.S. Patent No. 7,321,625 to Zhang (hereinafter “Zhang”).

Claims 55-56 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Shin in view of Sasaki, and in further view of U.S. Patent Publication No. 2002/0133830 to Kim (hereinafter “Kim”).

Claims 65-69 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Shin in view of Sasaki et al., and in further view of U.S. Patent No. 7,421,082 to Kamiya (hereinafter “Kamiya”).

Claims 79-90 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Shin in view of Sasaki et al., and in further view of U.S. Patent Publication No. 2002/0118859 to Stone (hereinafter “Stone”).

These rejections are respectfully traversed. Neither Zhang, Kim, Kamiya nor Stone cure the deficiencies of Shin and Sasaki, as noted above. Therefore, Applicants respectfully request that the rejections of claims 51-56, 58-61, 65-69, 76-77 and 79-90 under 35 U.S.C. §103 be withdrawn.

Disclaimer

Applicants may not have presented all possible arguments or have refuted the characterizations of either the claims or the prior art as found in the Office Action. However, the lack of such arguments or refutations is not intended to act as a waiver of such arguments or as concurrence with such characterizations.

CONCLUSION

In view of the above, consideration and allowance are respectfully solicited.

In the event the Examiner believes an interview might serve in any way to advance the prosecution of this application, the undersigned is available at the telephone number noted below.

The Office is authorized to charge any necessary fees to Deposit Account No. 22-0185.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 22-0185, under Order No. 27592-01110-US1 from which the undersigned is authorized to draw.

Dated: October 15, 2009

Respectfully submitted,

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